

BLUE ASH BOARD OF ZONING APPEALS

June 13, 2016

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**ITEM 1. – Meeting Called to Order and Roll Call**

Chair Tricia Downing called the regular meeting of the Board of Zoning Appeals to order at 7:03 p.m. on Monday, June 13, 2016 and requested a roll call.

MEMBERS PRESENT: Tricia Downing, Joe Hoelker, Jeremy Kraus, and Jodi Stacey

MEMBERS NOT PRESENT: Terry Peck

ALSO PRESENT: Community Development Director Dan Johnson and interested citizens

**ITEM 2. – Approval of Minutes**

The Board waived the reading and approved the minutes of the Board of Zoning Appeals regular meeting of April 11, 2016.

Chair Downing swore in all those in attendance wishing to testify for any of the agenda items and gave a brief overview of the Board of Zoning Appeals.

**ITEM 3. – New Hearings**

**a. 9628 West Avenue – Charles Stocker**

Appeal to allow a privacy fence with the structure facing the neighbors

PRESENT: Charles Stocker – Appellant

Mr. Stocker is requesting to have the finished side of the privacy fence he is installing not face the neighbor stating he feels it would better protect his property value and family from the neighbor's existing rusty chain link fence.

In answer to a question if he had a discussion with the neighbor regarding how he intended to build the fence, Mr. Stocker said yes and the only response from the neighbor was to not attach anything to the chain link fence. When Mr. Stocker began construction of the fence, the neighbor rushed out to tell him he needed a permit so Mr. Stocker stopped construction to apply for the permit. At that time, Mr. Stocker was advised by the City that he needed a variance. That was the only contact Mr. Stocker had with the neighbor and wished the neighbor would have told him prior that he needed a permit instead of reporting him to the City.

Chair Downing opened for public comments.

Jim Sumner, 4595 Cooper Road, is the neighbor Mr. Stocker spoke about and asked that the Board uphold the Code to have the attractive side of the fence face the neighbor. There are several options available for fences with two attractive sides. Mr. Sumner had initially offered to split the cost of a two-sided fence with Mr. Stocker, but has since removed that offer but maintains that he would be willing to drop the existing chain link fence and allow full access of his property for Mr. Stocker to construct the fence per Code. Mr. Sumner since learned that Mr. Stocker is also concerned with some firewood stacked near the property line and will remove that to make access even easier for Mr. Stocker.

Erin Stocker, 9628 West Avenue and the daughter of Mr. Stocker, was sworn in. She feels they should be able to build the fence as proposed.

Public comments were closed.

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Mr. Johnson provided the area of the Code that should be used in evaluating the hearings regarding the fence items with requests of the finished side to not be required to face the neighboring property, but each case should be treated individually. There are several sections in the Code that gives authority to the Board of Zoning Appeals on how to evaluate these cases. Most of what is being looked at has to do with area. There is no Code section that specifically authorizes the Board to address fences. The item under which they would be authorized to evaluate is in Code under 1133.04(a) where it describes the powers of the Board relative to the interpretation of the Code and whether or not the City was correct in informing the Appellants that they would have to turn the fence with the finished side facing out.

DECISION: Jodi Stacey moved, Jeremy Kraus seconded to deny the appeal at 9628 West Avenue. A roll call vote was taken. Three members present voted aye and Joe Hoelker voted nay. Motion carried to deny.

**b. 9566 Lansford Drive – Richard & Karen Klein**

Appeal to allow a privacy fence with the structure facing the neighbors

PRESENT: Karen Klein – Appellant

Mrs. Klein said they have owned their home for 27 years and had replaced the fence exactly the way it was originally constructed back in 1967 when it was a Home-A-Rama house.

There were no public comments.

In answer to a question regarding maintenance and repair of a fence, Mr. Johnson said there is no codified direction to determine what is maintenance/repair or replacement. It is a manner of reasonableness relative to the overall fence. In this case, the entire fence was replaced at one time.

DECISION: Jodi Stacey moved, Joe Hoelker seconded to grant the appeal at 9566 Lansford Drive. A roll call vote was taken. Two members present voted aye, Jeremy Kraus and Tricia Downing voted nay. Motion denied.

**c. 8914 Summit Avenue – Steve Sylvester**

Appeal to allow a privacy fence with the structure facing the neighbors

PRESENT: Steve Sylvester – Appellant

Mr. Sylvester said he no longer owns this property but will do what he needs to do to make it right. He prefers not to take it down since the posts are in concrete but will dress it up however he can. He was not aware that a permit was required or how the structure should be facing, but he is now.

The meeting was opened for public comments.

Dwight Menchhoffer, 8910 Summit Avenue, lives at the property to the south and feels the fence should be constructed per Code.

Clark Dawson, 8913 Summit Avenue, feels the fence should be constructed per Code so that it does not set a precedent of not following Code.

In answer to a question by Mrs. Stacey, Mr. Menchhoffer said he would be willing to have a discussion with Mr. Sylvester to come to a mutual resolution.

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Public comments were closed.

DECISION: Joe Hoelker moved, Jodi Stacey seconded to deny the appeal at 8914 Summit Avenue. A roll call vote was taken. All members present voted aye. Motion carried to deny.

**d. 10901 Kenwood Road – Aprecia Pharmaceuticals**

Appeal to allow more than one ground sign

PRESENT: Grant Brock, Aprecia Pharmaceuticals – Appellant

Mike Meyer gave a summary of the request and provided details of the three signs with regards to construction and installation. The signs will allow visitors and semi-trucks to enter the site correctly. This entire site is for Aprecia Pharmaceuticals and there is currently only one wall sign on the south corner of the facility that can only be seen from Kenwood Road. There is no signage on the back of the building.

Grant Brock, VP of Engineering at Aprecia Pharmaceuticals, said they currently have 54 employees and are hoping to grow to approximately 150-300 employees. They are on a corner lot with three streets and have three entrances. They have spent a lot of money on landscaping and trees. As they go full force into production, they need people to see which entrances belong to Aprecia and give some direction as they enter the facility. These signs will just be at the entrances to the site.

Mr. Johnson advised that the Code allows on site directional signage, it does not talk about permitted sizes. He is mostly concerned with setbacks from the roadway and maximum height.

There was general discussion among the Board members regarding size, illumination and logo.

DECISION: Jeremy Kraus moved, Jodi Stacey seconded to approve the appeal at 10901 Kenwood Road for the Aprecia wayfinding signage package as submitted. A roll call vote was taken. Three members present voted aye, Joe Hoelker voted nay. Motion carried to approve.

**e. 4579 Cooper Road - Howard**

Appeal to allow a fence in a front yard

PRESENT: Tiphonie Howard – Appellant

Mr. Johnson pointed out the area on the property which is the subject of the variance since fences are not permitted in the front yard. The fence itself is a compliant type of fence; just the location is at issue.

There were no public comments.

DECISION: Jodi Stacey moved, Joe Hoelker seconded to approve the appeal at 4579 Cooper Road for privacy fence as submitted. A roll call vote was taken. All members present voted aye. Motion carried to approve.

**f. 9080 Shell Road – Michelman Inc.**

Appeal to allow more than one wall sign above the first floor elevation of a multi-story building

PRESENT: Kim Moscarino, ASI Signage Innovations. – Appellant

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Bob Poletti gave brief overview of their world headquarters located in Blue Ash and involvement in the community. They have increased jobs in the community and have put a special emphasis on corporate values with the development of their brand. The company is now global and putting a big emphasis on employment branding. The purpose for the signage on the building is to be recognized and for their identity to be spotted as they pass through the community. He believes the signage is well done and reasonably sized. Two signs are proposed because the three-story office building that faces Cross County highway is situated so that eastbound traffic can only see one side of the building and same with westbound traffic.

There were no public comments.

There was general discussion among the Board members regarding the size and quantity, but since it is along the highway they did not have any strong concerns.

DECISION: Jodi Stacey moved, Jeremy Kraus seconded to approve the appeal at 9080 Shell Road as submitted. A roll call vote was taken. All members present voted aye. Motion carried to approve.

**ITEM 4. – Continued Hearings**

None

**ITEM 5. – Old Business**

None

**ITEM 6. – New Business**

This was Ms. Stacey's final meeting as she is moving out of the City of Blue Ash and her term expires at the end of the month. She will be missed!

**ITEM 7. – Adjournment**

DECISION: There being no further business Joe Hoelker moved, Jeremy Kraus seconded to adjourn the Board of Zoning Appeals. A voice vote was taken. All members present voted aye. The meeting was adjourned at 8:37 p.m.

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Tricia Downing, Chair

MINUTES RECORDED BY:

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Traci Smith